

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF LOUISIANA

INDICTMENT FOR VIOLATIONS OF
THE FEDERAL GUN CONTROL AND
FEDERAL CONTROLLED SUBSTANCES ACTS

UNITED STATES OF AMERICA

* CRIMINAL DOCKET NO:

v.

* SECTION:

JOHN E. DELCO

* VIOLATION: 18 U.S.C. § 922(g)(1)

a/k/a "Tattoo"

18 U.S.C. § 2

GERALD M. ROBERTS

* 21 U.S.C. § 841

RONALD MITCHELL

21 U.S.C. § 846

a/k/a "B"

*

a/k/a "Brian"

* * *

The Grand Jury charges that:

COUNT 1

On or about July 30, 2008, in the Eastern District of Louisiana, defendant, **GERALD M. ROBERTS**, did knowingly and intentionally distribute a mixture or substance containing a detectable amount but less than fifty kilograms of marijuana, a Schedule I drug controlled substance; in violation of Title 21, United States Code, Sections 841(a)(1) and 841(b)(1)(D).

COUNT 2

On or about August 7, 2008, in the Eastern District of Louisiana, defendant, **GERALD M. ROBERTS**, did knowingly and intentionally distribute a mixture or substance containing a detectable amount but less than fifty kilograms of marijuana, a Schedule I drug controlled substance; in violation of Title 21, United States Code, Sections 841(a)(1) and 841(b)(1)(D).

COUNT 3

Beginning at a time unknown to the Grand Jury, but prior to August 12, 2008, and continuing until on or about the date of this indictment in the Eastern District of Louisiana, defendants, **GERALD M. ROBERTS** and **JOHN E. DELCO a/k/a "Tattoo"**, did knowingly and intentionally combine, conspire, confederate and agree with each other and other persons known and unknown to the Grand Jury, to distribute a mixture or substance containing a detectable amount but less than fifty kilograms of marijuana, a Schedule I drug controlled substance in violation of Title 21, United States Code, Sections 841(a)(1) and 841(b)(1)(D); all in violation of Title 21, United States Code, Section 846.

COUNT 4

On or about August 12, 2008, in the Eastern District of Louisiana, defendants, **GERALD M. ROBERTS and JOHN E. DELCO a/k/a "Tattoo"**, did knowingly and intentionally distribute a mixture or substance containing a detectable amount but less than fifty kilograms of marijuana, a Schedule I drug controlled substance; in violation of Title 21, United States Code, Sections 841(a)(1) and 841(b)(1)(D), and Title 18, United States Code, Section 2.

COUNT 5

On or about August 12, 2008, in the Eastern District of Louisiana, defendant, **JOHN E. DELCO a/k/a "Tattoo"**, did knowingly and intentionally distribute a mixture or substance

containing a detectable amount but less than fifty kilograms of marijuana, a Schedule I drug controlled substance; in violation of Title 21, United States Code, Sections 841(a)(1) and 841(b)(1)(D).

COUNT 6

On or about August 14, 2008, in the Eastern District of Louisiana, defendant, **GERALD M. ROBERTS**, did knowingly and intentionally distribute fifty grams or more of cocaine base (“crack”), a Schedule II drug controlled substance; in violation of Title 21, United States Code, Sections 841(a)(1) and 841(b)(1)(A).

COUNT 7

On or about September 18, 2008, in the Eastern District of Louisiana, defendant, **JOHN E. DELCO a/k/a “Tattoo”**, did knowingly and intentionally distribute a mixture or substance containing a detectable amount but less than fifty kilograms of marijuana, a Schedule I drug controlled substance; in violation of Title 21, United States Code, Sections 841(a)(1) and 841(b)(1)(D).

COUNT 8

On or about September 18, 2008, in the Eastern District of Louisiana, defendant, **JOHN E. DELCO a/k/a “Tattoo,”** having been convicted of a crime punishable by imprisonment for a term exceeding one year, to wit: a conviction on November 14, 1996, in the United States District Court for the Eastern District of Louisiana, Case Number 96-113 “S,” for Conspiracy to Possess with the Intent to Distribute Marijuana, in violation of Title 21, United States Code, Sections 846 and 841(a)(1), and a conviction on September 20, 2000, in the Criminal District Court for the Parish of Orleans, Case Number 416-023 “H,” for Unauthorized Entry of an Inhabited Dwelling, in violation

of LA-RS 14:62.3; did knowingly possess in and affecting commerce two firearms, to wit: a Norinco SKS Model 7.62 caliber rifle, bearing serial number 21055980, and a Norinco SKS Model 7.62 caliber rifle, bearing serial number 9311534; all in violation of Title 18, United States Code, Sections 922(g)(1) and 924(a)(2).

COUNT 9

On or about September 24, 2008, in the Eastern District of Louisiana, defendant, **JOHN E. DELCO a/k/a “Tattoo,”** having been convicted of a crime punishable by imprisonment for a term exceeding one year, to wit: a conviction on November 14, 1996, in the United States District Court for the Eastern District of Louisiana, Case Number 96-113 “S,” for Conspiracy to Possess with the Intent to Distribute Marijuana, in violation of Title 21, United States Code, Sections 846 and 841(a)(1), and a conviction on September 20, 2000, in the Criminal District Court for the Parish of Orleans, State of Louisiana, Case Number 416-023 “H,” for Unauthorized Entry of an Inhabited Dwelling, in violation of Louisiana Revised Statute 14:62.3; did knowingly possess in and affecting commerce a firearm, to wit: a Titan, .25 caliber pistol, bearing serial number D859775; all in violation of Title 18, United States Code, Sections 922(g)(1) and 924(a)(2).

COUNT 10

On or about September 30, 2008, in the Eastern District of Louisiana, defendant, **RONALD MITCHELL a/k/a “B” and “Brian,”** having been convicted of a crime punishable by imprisonment for a term exceeding one year, to wit: a conviction on December 8, 1999, in the Criminal District Court for the Parish of Orleans, Case Number 410-139 “B,” for Attempted Possession of Heroin and Attempted Possession of Cocaine in violation of LA-RS 40:(979) 966(C)(1) and 40:(979) 967(C)(2), did knowingly possess in and affecting commerce a firearm, to

wit: a Norinco SKS, .762 caliber rifle, bearing serial number 10444747; all in violation of Title 18, United States Code, Sections 922(g)(1) and 924(a)(2).

COUNT 11

On or about October 14, 2008, in the Eastern District of Louisiana, defendant, **JOHN E. DELCO a/k/a "Tattoo,"** did knowingly and intentionally distribute a mixture or substance containing a detectable amount but less than one hundred grams of heroin, a Schedule I drug controlled substance; in violation of Title 21, United States Code, Sections 841(a)(1) and 841(b)(1)(C).

COUNT 12

On or about October 22, 2008, in the Eastern District of Louisiana, defendant, **JOHN E. DELCO a/k/a "Tattoo,"** having been convicted of a crime punishable by imprisonment for a term exceeding one year, to wit: a conviction on November 14, 1996, in the United States District Court for the Eastern District of Louisiana, Case Number 96-113 "S," for Conspiracy to Possess with the Intent to Distribute Marijuana, in violation of Title 21, United States Code, Sections 846 and 841(a)(1), and a conviction on September 20, 2000, in the Criminal District Court for the Parish of Orleans, State of Louisiana, Case Number 416-023 "H," for Unauthorized Entry of an Inhabited Dwelling, in violation of Louisiana Revised Statute 14:62.3; did knowingly possess in and affecting commerce a firearm, to wit: a Beretta Model AL2, 12 gauge shotgun; in violation of Title 18, United States Code, Sections 922(g)(1) and 924(a)(2).

COUNT 13

On or about October 23, 2008, in the Eastern District of Louisiana, the defendant, **JOHN E. DELCO a/k/a "Tattoo,"** did knowingly and intentionally distribute a mixture or substance

containing a detectable amount but less than one hundred grams of heroin, a Schedule I drug controlled substance; in violation of Title 21, United States Code, Sections 841(a)(1), 841(b)(1)(C), and Title 18, United States Code, Section 2.

COUNT 14

On or about November 25, 2008, in the Eastern District of Louisiana, defendant, **JOHN E. DELCO a/k/a “Tattoo,”** having been convicted of a crime punishable by imprisonment for a term exceeding one year, to wit: a conviction on November 14, 1996, in the United States District Court for the Eastern District of Louisiana, Case Number 96-113 “S,” for Conspiracy to Possess with the Intent to Distribute Marijuana, in violation of Title 21, United States Code, Sections 846 and 841(a)(1), and a conviction on September 20, 2000, in the Criminal District Court for the Parish of Orleans, Case Number 416-023 “H,” for Unauthorized Entry of an Inhabited Dwelling, in violation of LA-RS 14:62.3; did knowingly possess in and affecting commerce a firearm, to wit: a Lorcin Model L380, .38 caliber semi-automatic pistol, bearing serial number 196649; all in violation of Title 18, United States Code, Sections 922(g)(1) and 924(a)(2).

COUNT 15

On or about November 25, 2008, in the Eastern District of Louisiana, defendant, **GERALD M. ROBERTS,** having been convicted of a crime punishable by imprisonment for a term exceeding one year, to wit: a conviction on November 5, 2001, in the Criminal District Court for the Parish of Orleans, Case Number 419-740 “B” for Possession of Marijuana 3rd Offense, in violation of LA-RS 40:966(D)(3); did knowingly possess in and affecting commerce a firearm, to wit: a Lorcin Model L380, .38 caliber semi-automatic pistol, bearing serial number 196649; all in violation of Title 18, United States Code, Sections 922(g)(1) and 924(a)(2).

NOTICE OF DRUG FORFEITURE

1. The allegations of Counts 1-7, 11 and 13 of this Indictment are realleged and incorporated by reference as though set forth fully herein for the purpose of alleging forfeiture to the United States of America pursuant to the provisions of Title 21, United States Code, Section 853.

2. As a result of the offense(s) alleged in Counts 1-7, 11 and 13, defendants, **GERALD M. ROBERTS** and **JOHN E. DELCO a/k/a “Tattoo”**, shall forfeit to the United States pursuant to Title 21, United States Code, Section 853, any and all property constituting or derived from any proceeds the defendant obtained directly or indirectly as a result of the said violations and any and all property used or intended to be used in any manner or part to commit and to facilitate the commission of the violations alleged in Counts 1-7, 11 and 13 of this Indictment.

3. If any of the property subject to forfeiture pursuant to Paragraph 2 of this Notice of Forfeiture, as a result of any act or omission of the defendant:

- a. cannot be located upon the exercise of due diligence;
- b. has been transferred or sold to, or deposited with, a third person;
- c. has been placed beyond the jurisdiction of the Court;
- d. has been substantially diminished in value; or
- e. has been commingled with other property which cannot be subdivided without difficulty;

it is the intent of the United States, pursuant to Title 21, United States Code, Section 853(p), to seek

forfeiture of any other property of said defendant up to the value of the above forfeitable property.

All in violation of Title 21, United States Code, Section 853.

NOTICE OF GUN FORFEITURE

1. The allegations of Counts 8-10, 12, and 14-15 of this Indictment are realleged and incorporated by reference as though set forth fully herein for the purpose of alleging forfeiture to the United States of America pursuant to the provisions of Title 18, United States Code, Section 924 (d)(1) and Title 28, United States Code, Section 2461(c).

2. As a result of the offense(s) alleged in Counts 8-10, 12, and 14-15, the defendants, **GERALD M. ROBERTS, JOHN EDWARD DELCO a/k/a “Tattoo”, and RONALD MITCHELL a/k/a “B” and “Brian”**, shall forfeit to the United States pursuant to Title 18, United States Code, Section 924(d)(1) and Title 28 United States Code, Section 2461, any firearm or ammunition, which was involved in or used in a knowing violation of Title 18, United States Code, Sections 922 and/or 924(c)(1), as alleged in Counts 8-10, 12, and 14-15 of this Indictment.

3. If any of the property subject to forfeiture pursuant to Paragraph 2 of this Notice of Forfeiture, as a result of any act or omission of the defendant:

- a. cannot be located upon the exercise of due diligence;
- b. has been transferred or sold to, or deposited with, a third person;
- c. has been placed beyond the jurisdiction of the Court;
- d. has been substantially diminished in value; or
- e. has been commingled with other property which cannot be subdivided without difficulty;

it is the intent of the United States, pursuant to Title 21, United States Code, Section 853(p), to seek forfeiture of any other property of said defendant up to the value of the above forfeitable property.

All in violation of Title 18, United States Code, Sections 922 and/or 924(c)(1) and 924(d)(1).

A TRUE BILL:

FOR PERSON

JIM LETTEN #8517
UNITED STATES ATTORNEY

JAN MASELLI MANN #9020
FIRST ASSISTANT UNITED STATES ATTORNEY

FREDERICK VETERS, JR. #23584
ASSISTANT UNITED STATES ATTORNEY

R. CHRISTOPHER COX, III #26247
ASSISTANT UNITED STATES ATTORNEY

New Orleans, Louisiana
February 13, 2009

